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RESOLUTION NO. 12-017

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING THE IMPROVEMENT OF WATER DISTRIBUTION SYSTEM NUMBER 448-90528 (NORTH OF 21ST, WEST OF 159TH ST. EAST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING WATER DISTRIBUTION SYSTEM NUMBER 448-90528 (NORTH OF 21ST, WEST OF 159TH ST. EAST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 11-165 adopted on July 12, 2011 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Water Distribution System Number 448-90528 (north of 21st, west of 159th St. East).

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Ninety-Six Thousand Dollars (\$96,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2011, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing water main, such benefit fee to be in the amount of Sixteen Thousand Eight Hundred Eighty-Nine Dollars (\$16,889)

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

MONARCH LANDING THIRD ADDITION

Lots 1 through 13, Block 1

Lot 14, Block 1, Except East 4.64 ft; Lot 15, Block 1 together with East 4.64 ft of Lot 14, Block 1, and together with West 7.86 ft of Lot 16, Block 1, Lot 16, Block 1, Except West 7.86 ft, together with West 20.36 ft of Lot 17, Block 1; Lot 17 Block 1, Except West 20.36 ft, together with Reserve "C", Except South 140.86 ft; Lot 18, Block 1, together with South 140.86 ft of Reserve "C", Lot 19, Block 1, together with East 19.50 ft of Lot 20, Block 1; Lot 20, Block 1, Except East 19.50 ft together with Lot 21, Block 1, Except West 26.50 ft; Lot 22, Block 1 together with West 26.50 ft of Lot 21, Block 1;

Lots 1 through 13, Block 2

Lots 1 through 6, Block 3

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 13,

Block 1; Lot 14, Block 1, Except East 4.64 ft; Lot 15, Block 1 together with East 4.64 ft of Lot 14, Block 1, and together with West 7.86 ft of Lot 16, Block 1, Lot 16, Block 1, Except West 7.86 ft, together with West 20.36 ft of Lot 17, Block 1; Lot 17 Block 1, Except West 20.36 ft, together with Reserve "C", Except South 140.86 ft; Lot 18, Block 1, together with South 140.86 ft of Reserve "C", Lot 19, Block 1, together with East 19.50 ft of Lot 20, Block 1; Lot 20, Block 1, Except East 19.50 ft together with Lot 21, Block 1, Except West 26.50 ft; Lot 22, Block 1 together with West 26.50 ft of Lot 21, Block 1; Lots 1 through 13, Block 2 and Lots 1 through 6, Block 3, MONARCH LANDING THIRD ADDITION shall each pay 1/40 of the total cost of the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 24<sup>th</sup> day of January, 2012.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK  
(SEAL)

APPROVED AS TO FORM:

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GARY E. REBENSTORF,  
DIRECTOR OF LAW